

specific produce of the real assets, and take it from any one in

devisees and their heirs parties, specifying the real estate which came to their hands; and then alleging, 'that all the parties aforesaid claiming under the will of Henry Baker aforesaid first named, have had notice of your orator's claim; but none of them have ever paid or offered to pay any part thereof; and also, that the estates held by the other defendants, Jeremiah Baker, of Cecil county, Henry Baker, son of Francis, of Harford county, and Nathan Baker, of Cecil county, which they derived from Henry Baker first mentioned, together with the personal estate of the said Henry, and the estate devised to Francis, his son aforesaid, are greatly more than sufficient to pay your orator's claim.'

The defendant Jeremiah Baker, by his answer, without admitting the plaintiff's claim, stated among other things, that the tract called Clayfall, devised to him, was without improvements, and had been mortgaged, and came to him so mortgaged, which mortgage he had satisfied; that there was no improvements on the said land at the time of the death of the said Henry; but that this defendant hath since made valuable improvements, and erected buildings thereon; that the personal estate of the said Henry was not sufficient, as he understood and believed, to pay the claims against him; that he had no knowledge, that any balance was due to the plaintiff, but had always understood and supposed the contrary; and that in any event he could only be answerable for the reasonable value of the said lands to him devised, as they were without improvements, at the time of the death of the said Henry, after deducting the amount of the mortgage money paid by him, this defendant.

The administrator Francis, by his answer, admitted, that he was a devisee, and as such held a portion of the real estate of his father; and said that he had no assets in his possession, and had fully administered the same, and had paid away of his own money, in discharge of the debts of the said Henry above and beyond the personal property of the said Henry, which had come to his possession as administrator, upwards of seventy pounds current money, computing dollars at six shillings, as would appear by his account passed in the commissary's office, which he annexed and prayed to be received as a part of his answer, which amount he was in equity entitled to retain against any creditors of the said Henry out of the value of the said property devised to him.

The infant defendant Nathan Baker, answering by his guardian *ad litem*, admitted, that he held possession as heir of his father Jethro, the tract called Vanbibber's Forest, which was devised to him by the late Henry. And he also averred, that the administrator had in his hands, unaccounted for, assets sufficient to pay all the debts of the deceased.

Upon which commissions were issued and testimony taken and returned, and the case was thereupon brought before the court.

6th January, 1790.—HANSON, Chancellor.—This case standing ready for hearing, and coming on to be heard and debated by counsel as well on the part of the complainant as on the part of the defendants, and the bill, answers and several exhibits aforesaid having been read, and appearing as herein before set forth.

Whereupon it is *Decreed*, that Robert Craig, the complainant, is entitled to recover and receive from the real estate of Henry Baker, senior, deceased, the sum of £868 3s. 3d. current money, with interest thereon from the 7th day of May, 1785, that being the day on which the debt due from the said Henry Baker, senior, was liquidated and ascertained by the auditors chosen by the parties; and that the complainant is further entitled to receive from the said real estate his legal costs by him expended in the prosecution of this suit.

And it is further *Decreed*, that the defendant Francis Baker, devisee of the said